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said elongate base portion having a first defined length, said first defined length being long enough to extend through the patient's mouth into the patient's oropharynx;

said elongate lifter portion having,

a distal end for insertion distal-end first through a patient's mouth,

a second defined length, said second defined length being long enough to extend into the laryngopharynx and operably engage the epiglottis of the patient when the elongate base portion is extended into the patient's oropharynx, and, a smooth surface for engaging the patient's epiglottis.

2. (Twice Amended) The intubation instrument of claim 1, further including a viewer positioned substantially near where said elongate base portion meets said elongate lifter portion of the elongate arm, said viewer directed toward the distal end of said elongate lifter portion.

3. The intubation instrument of claim 2, wherein said viewer is a telescope.

4. (Previously Amended) The intubation instrument of claim 2, wherein said viewer is a Complementary Metal Oxide Semiconductor camera.

5. (Previously Amended) The intubation instrument of claim 2, wherein said viewer is a Charged Coupled Device camera.

6. (Previously Amended) The intubation instrument of claim 1, wherein said angle is between 5° and 85°, inclusive.

7. (Previously Amended) The intubation instrument of claim 6, wherein said angle, is between 30° and 60°, inclusive.

8. (Previously Amended) The intubation instrument of claim 6, wherein said angle is approximately 45°.

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19 9. (Twice Amended) An intubation instrument, a portion of which is for insertion into a patient through the patient's mouth, comprising:

a body having a handle attached thereto;

an elongate arm having an elongate base portion attached to the body and an elongate lifter portion having a smooth surface for engaging the patient's epiglottis, said elongate lifter portion having a distal end for insertion distal-end first through a patient's mouth;

said elongate lifter portion being at least 3 centimeters long and extending from said elongate base portion by at least a 5 degree angle;

a viewer positioned substantially near the area where said elongate base portion meets said elongate lifter portion of said elongate arm, said viewer directed toward the distal end of said elongate lifter portion; and,

a light operably secured to said elongate lifter portion.

10. (Previously Amended) The intubation instrument of claim 9, wherein said light is a Light Emitting Diode.

21 11. (Twice Amended) The intubation instrument of claim 9, wherein said viewer is Complementary Metal Oxide Semiconductor camera and said light is a Light Emitting Diode operably secured to said elongate lifter portion.

13 12. (Twice Amended) An intubation instrument, a portion of which is for insertion into a patient through the patient's mouth, comprising:

a body having a handle attached thereto;

an elongate arm having an elongate base portion attached to the body and an elongate lifter portion having a smooth surface for engaging the patient's epiglottis, said elongate lifter portion having a distal end for insertion distal-end first through a patient's mouth and pivotally secured to said elongate base portion at a pivot point;

said elongate lifter portion being at least 3 centimeters long and extending from said elongate base portion by at least a 5 degree angle.

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²²
23 ¹³. (Twice Amended) The intubation instrument of claim ¹², further including a locking mechanism for actuating and holding said elongate lifter portion in a predetermined position about said pivot point.

²²
24 ¹⁴. (Twice Amended) The intubation instrument of claim ¹², further including a viewer operably secured to said intubation instrument, and a display for viewing output from said viewer.

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25 ¹⁵. (Amended) The intubation instrument of claim ¹⁴, wherein said viewer is a camera and said display is remotely connected to said camera.

¹³
13 ¹⁶. (Amended) The intubation instrument of claim 1, wherein said elongate lifter portion is between 3-10 centimeters long, inclusive.

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14 ¹⁷. (Amended) The intubation instrument of claim ¹⁶, wherein said elongate lifter portion is between 4-8 centimeters long, inclusive.

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15 ¹⁸. (Amended) The intubation instrument of claim ¹⁷, wherein said elongate lifter portion is approximately 6 centimeters long.

26 ¹⁹. (Twice Amended) An intubation instrument, a portion of which is for insertion into a patient through the patient's mouth, comprising:

a body having a handle attached thereto;

¹⁵
an elongate arm having an elongate base portion operably secured to said body at one end and an elongate lifter portion extending from said elongate base portion toward an opposite end of said elongate base portion, said elongate lifter portion having a smooth surface for engaging the patient's epiglottis and a distal end for insertion distal-end first through a patient's mouth;

said elongate lifter portion being at least as long as said elongate base portion and extending from said elongate base portion by at least a 5 degree angle.

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27 26. (Amended) The intubation instrument of claim 19, further including a viewer positioned substantially near where [the]said elongate base portion meets said elongate lifter portion of said elongate arm, said viewer directed toward the distal end of said elongate lifter portion.

21. (Previously Amended) The intubation instrument of claim 20, wherein said viewer is a Complementary Metal Oxide Semiconductor camera.

22. (Previously Amended) The intubation instrument of claim 21, wherein said viewer is a Charged Coupled Device camera.

31 23. (Twice Amended) An intubation instrument, a portion of which is for insertion into a patient through the patient's mouth, comprising:

a body having a handle attached thereto;

an elongate arm having an elongate base portion attached to the body and an elongate lifter portion having a smooth surface for engaging the patient's epiglottis, said elongate lifter portion having a distal-end for insertion distal-end first through a patient's mouth and being approximately as long as said elongate base portion and extending from said elongate base portion by at least a 5 degree angle;

a complementary metal oxide semiconductor camera positioned substantially where the elongate base portion meets said elongate lifter portion of said elongate arm, said complementary metal oxide semiconductor camera directed toward the distal-end of said elongate lifter portion; and,

a light operably secured to said elongate lifter portion.

24. (Previously Amended) The intubation instrument of claim 23, wherein said light is a Light Emitting Diode.

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~~34~~ 26. (Twice Amended) An intubation instrument, a portion of which is for insertion into a patient through the patient's mouth, comprising:

a body having a handle attached thereto;

an elongate arm having an elongate base portion attached to the body and an elongate lifter portion extending from said elongate base portion, said elongate base portion having a first defined length, said elongate lifter portion having a second defined length and a smooth surface for engaging the patient's epiglottis and a distal end for insertion distal-end first through a patient's mouth, said elongate arm defining an anterior side positioned toward said handle and an opposite posterior side.

said second defined length being about as long as said first defined length; and,

a viewer operably secured to said posterior side of said arm substantially where said elongate base portion meets said elongate lifter portion, said viewer directed toward the distal end of said elongate lifter portion.

~~40~~ 26. (Twice Amended) An intubation instrument, a portion of which is for insertion into a patient through the patient's mouth, comprising:

a body having a handle attached thereto;

an elongate arm having an elongate base portion attached to the body and an elongate lifter portion having a smooth surface for engaging the patient's epiglottis, said elongate lifter portion having a distal end portion for insertion distal end portion first through a patient's mouth, said elongate arm defining an anterior side positioned toward said handle and an opposite posterior side.

a viewer operably secured to said posterior side of said elongate arm substantially near where said elongate base portion meets said elongate lifter portion, said viewer directed toward the distal end portion of said elongate lifter portion; and,

said elongate arm having a center, and said elongate base portion meets said elongate lifter portion substantially near said center.

27. (Previously Amended) The intubation instrument of claim 26, wherein said viewer is a Complementary Metal Oxide Semiconductor camera.

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43⁴⁰28. (Twice Amended) The intubation instrument of claim 26, wherein said elongate lifter portion is pivotally secured to said elongate base portion.

44⁴³29. (Twice Amended) The intubation instrument of claim 28, further including a Light Emitting Diode operably secured to said elongate lifter portion.

42⁴¹30. (Twice Amended) The intubation instrument of claim 27, further including a display operably secured to said Complementary Metal Oxide Semiconductor camera.

31. (Previously added) The intubation instrument of claim 1, wherein said first defined length and said second defined length are substantially the same length.

32. (Previously added, Amended herein) The intubation instrument of claim 2, further including a light operably secured to said elongate lifter portion.

33. (Previously added) The intubation instrument of claim 32, wherein said light is a Light Emitting Diode.

34. (Previously added, Amended herein) The intubation instrument of claim 1, wherein said elongate lifter portion is pivotally secured to said elongate base portion at a pivot point.

35. (Previously added, Amended herein) The intubation instrument of claim 34, further including a locking mechanism for actuating and holding said elongate lifter portion in a predetermined position about said pivot point.

36. (Previously added) The intubation instrument of claim 2, further including a display for viewing video output from said viewer.

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37. (Previously added, Amended herein) The intubation instrument of claim 36, wherein said viewer is a camera and said display is remotely connected to said camera.

38. (Previously added, Amended herein) The intubation instrument of claim 19, further including a light operably secured to said elongate lifter portion.

39. (Previously added) The intubation instrument of claim 23, wherein said light is a Light Emitting Diode.

40. (Previously added, Amended herein) The intubation instrument of claim 25, wherein said elongate arm has a midpoint, and said elongate base portion meets said elongate lifter portion substantially near said midpoint.

41. (Previously added) The intubation instrument of claim 25, wherein said viewer is a Complementary Metal Oxide Semiconductor camera.

42. (Previously added, Amended herein) The intubation instrument of claim 25, wherein said elongate lifter portion is pivotally secured to said elongate base portion.

43. (Previously added, Amended herein) The intubation instrument of claim 42, further including a Light Emitting Diode operably secured to said elongate lifter portion.

44. (Previously added, Amended herein) The intubation instrument of claim 41, further including a display operably secured to said Complementary Metal Oxide Semiconductor camera.

REMARKS

A second Office Action, dated August 6, 2002, rejects claims 1-44 under 35 U.S.C § 112 (2nd paragraph) as being indefinite. Applicant has amended claims 1, 2, 9, 11-20, 23, 25, 26, 28-32, 34, 35, 37, 38, 40, and 42-44 as noted to clarify the claimed invention in accordance with the examiner's comments.